

2004 No. 32 (C. 2)

NATIONAL HEALTH SERVICE

**The Health Act 1999 (Commencement No. 14) (Scotland)
Order 2004**

Made - - - -

30th January 2004

The Scottish Ministers, in exercise of the powers conferred by section 67(1) of the Health Act 1999^(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, interpretation and extent

1.—(1) This Order may be cited as the Health Act 1999 (Commencement No. 14) (Scotland) Order 2004.

(2) In this Order—

“the Act” means the Health Act 1999;

“the 1978 Act” means the National Health Service (Scotland) Act 1978^(b).

(3) This Order extends to Scotland only.

Appointed day

2.—(1) The following provisions of the Act shall come into force on 31st January 2004:—

- (a) section 58 (disqualification etc. of Part II practitioners);
- (b) section 65 (amendments and repeals) but only insofar as it relates to the provision of Schedule 4 (amendment of enactments) mentioned in paragraph (c) below; and
- (c) in Schedule 4 (amendment of enactments), paragraph 50,

but only for the purpose of making regulations to come into force not earlier than 4th March 2004 under the provisions of the 1978 Act which are amended by those provisions of the Act.

(2) The following provisions of the Act, so far as not already in force, shall come into force on 4th March 2004:—

- (a) section 58 (disqualification etc. of Part II practitioners);
- (b) section 65 (amendments and repeals) but only insofar as it relates to the provisions of Schedules 4 (amendment of enactments) and 5 (repeals) mentioned in sub-paragraphs (c) and (d) below;

^(a) 1999 c.8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 66(1) of the Act and section 53 of the Scotland Act 1998 (c.46).
^(b) 1978 c.29.

- (c) in Schedule 4, paragraphs 49, 50, 51, 52(a), (c) and (d), 53 and 64; and
- (d) in Schedule 5, the repeals relating to sections 32A and 32B of the 1978 Act.

St Andrew's House,
Edinburgh
30th January 2004

MALCOLM CHISHOLM
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, in relation to Scotland, further provisions of the Health Act 1999 (c.8) (“the Act”).

Section 58 is brought into force, which amends provisions of the National Health Service (Scotland) Act 1978 (c.29) (“the 1978 Act”) relating to the NHS Tribunal and the disqualification of practitioners who provide services under Part II of the 1978 Act.

Section 65 (which gives effect to Schedules 4 and 5 of the Act) is further brought into force in so far as it relates to certain paragraphs of Schedules 4 (amendments of enactments) and 5 (repeals). Those paragraphs make further amendments to the 1978 Act relating to the NHS Tribunal and the disqualification of practitioners.

The provisions which contain regulation-making powers are brought into force on 31st January 2004 for the purpose of making regulations, and are brought fully into force on 4th March 2004, together with the other provisions.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force in relation to Scotland, by commencement order made before the date of this Order:–

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I./S.S.I. No.</i>
section 25	1st November 1999	S.I. 1999/2793
section 33(1) to (6) (partially)	1st September 1999	S.I. 1999/2177
section 34 (partially)	3rd August 1999	S.I. 1999/2177
(remainder)	1st November 1999	S.I. 1999/2177
section 36 (partially)	3rd August 1999	S.I. 1999/2177
section 37 (partially)	3rd August 1999	S.I. 1999/2177
section 37(1) to (9) (remainder)	1st November 1999	S.I. 1999/2177
section 38(6) (partially)	3rd August 1999	S.I. 1999/2177
section 38 (partially)	1st September 1999	S.I. 1999/2177
(partially)	1st November 1999	S.I. 1999/2177
section 43 as to Scotland	1st March 2000	S.S.I. 2000/38
section 45 to 55 as to Scotland	1st October 1999	S.S.I. 1999/90
section 56 as to Scotland	1st March 2000	S.S.I. 2000/38
section 57 as to Scotland	1st October 2000	S.S.I. 1999/90
section 59 as to Scotland	14th October 1999	S.S.I. 1999/115
section 60(1), (2) and (4) (partially)	15th March 2000	S.I. 2000/779
section 60(3) (partially)	11th May 2001	S.I. 2001/1985
(partially)	1st April 2002	S.I. 2002/1167
(partially)	9th July 2003	S.I. 2003/1689
section 62 to 64 as to Scotland	1st October 1999	S.S.I. 1999/90
section 65 (partially) as to Scotland	1st October 1999	S.S.I. 1999/90
Schedule 2–		
paragraphs 15 to 19	11th May 2001	S.I. 2001/1985
Schedule 3 (partially)	15th March 2000	S.I. 2000/779
Schedule 4–		

paragraphs 1, 2, 42, 43, 44, 45, 46, 47, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 70, 71, 85(1), (3) and (4), 88 as to Scotland	1st October 1999	S.S.I. 1999/90
paragraphs 73 and 86 Schedule 5	11th May 2001	S.I. 2001/1985
(partially) as to Scotland	1st October 1999	S.S.I. 1999/90
(partially)	11th May 2001	S.I. 2001/1985
(partially)	1st April 2002	S.I. 2002/1167
(partially)	9th July 2003	S.I. 2003/1689

In addition to the provisions listed above, various provisions of Part I of, and the Schedules to, the Act, that extend only to England and Wales, have been brought into force in relation only to England or Wales or to England and Wales, by the following Orders:

- The Health Act 1999 (Commencement No. 2) Order 1999 (S.I. 1999/2342 (C. 60));
- The Health Act 1999 (Commencement No. 3) Order 1999 (S.I. 1999/2540 (C. 64));
- The Health Act 1999 (Commencement No. 5) Order 1999 (S.I. 1999/2793 (C. 69));
- The Health Act 1999 (Commencement No. 1) (Wales) Order 1999 (S.I. 1999/3184(C. 82));
- The Health Act 1999 (Commencement No. 2) (Wales) Order 2000 (S.I. 2000/1026 (C. 26));
- The Health Act 1999 (Commencement No. 9) Order 2000 (S.I. 2000/1041(C. 28));
- The Health Act 1999 (Commencement No. 3) (Wales) Order 2000 (S.I. 2000/2991 (C. 92));
- The Health Act 1999 (Commencement No. 10) Order 2001 (S.I. 2001/270 (C. 16)).

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